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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/129,758 08/05/98 WALDMANN

R 989.6701P

022469 HM12/1002  
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EXAMINER

BASIN

ART UNIT

PAPER NUMBER

1646

DATE MAILED:

10/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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16

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

1. The reply filed on 7/20/01 is not fully responsive to the prior Office action because: The elected invention of Group I, claims 1-3, 5, 11-13, 15 and 17-24, contain reference to SEQ ID NOs which do not correspond to the Sequence listing present in the Application. Applicant traversed examiners Restriction requirement mailed 5/24/00 and proposed alternative Groups pertaining to protein and nucleic acid of ASIC1, ASIC2 or ASIC3. The examiner based the Restriction, 5/11/01, based on the Applicants traversal. The elected group appears to be polynucleotides encoding or comprising the protein of ASIC1. The Amended sequence listing, present in the case, do not correspond with the claims. The claims refer to the original sequence listing that was contained in the case when the Application was filed. The specification refers to the original sequence listing that was contained in the case when the Application was filed. The original sequence listing had 6 sequences which do not correspond, in numerical order, to those currently contained in the Application. Therefore since the sequence listing present in the application do not correspond correctly to the specification or the claims, both must amended to avoid confusion and distinctly claim the elected invention. Applicant is also directed to disclose which sequences correspond to the elected invention of Group I, pertaining to ASIC1, so as to convey to the Examiner the prior restriction, 5/11/01, based on Applicants proposed grouping was not in error. If the sequences contained in SEQ ID NOs:1-4 and 7-8 are not those of ASIC then a new restriction may be required.

This application fails to comply with the sequence rules, 37 CFR 1.821-1.825. Nucleotide and polypeptide sequences must be identified with the corresponding SEQ ID NO. Title 37, Code of Federal Regulations, Section 1.821 states "reference must be made to the sequence by use of the assigned identifier", the identifier being SEQ ID NO. The specification and claims do not refer to the nucleotide and amino acid sequences by the correct SEQ ID NO: identifier. Compliance with sequence rules is required. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide* attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

#### **Advisory Information**

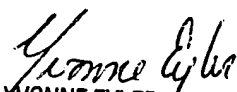
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirmal Basi whose telephone number is (703) 308-9435. The examiner can normally be reached on Monday-Friday from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached on (703) 308-6564. The fax phone number for this Group is (703) 308-0294.

Official papers filed by fax should be directed to (703) 308-4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Nirmal S. Basi  
Art Unit 1646  
September 27, 2001

  
YVONNE EYLER, PH.D  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600